

### **Remarks**

In response to the non-final Office Action mailed July 7, 2005, the Applicants respectfully request amending the application as described above. The Examiner is kindly thanked for recently conducting a personal interview, the substance of which is intended to be reflected by the claim amendments above and the remarks below.

The Office Action sets forth the following rejections: (1) claims 1-7 and 15-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by USPN 6,488,890 to Kirckof (hereinafter the Kirckof patent); (2) claims 1, 2, 4 and 15-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by USPN 5,759,486 to Peterson (hereinafter the Peterson patent); and claims 8-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kirckof patent.

For the reasons described below in more detail, the Applicants respectfully submit that each of the foregoing rejections is fully replied to and traversed.

#### **Rejection of Claims 1-7 and 15-20 Over the Kirckof Patent**

Independent claims 1, 15 and 19, which are the only independent claims subjected to this rejection, include limitations generally directed towards a method or feature for measuring a peak temperature during a washing cycle. The Kirckof patent fails to disclose any such feature or suggest the use of any such feature. Rather, the Kirckof patent merely discloses the use of a binary indicator to indicate successful completion of a sanitizing operation. A binary indicator cannot be used to indicate a peak temperature as it is unable to indicate a degree by which a threshold was passed.

It is believed that the depth of this distinguishment over the Kirckof patent is sufficient as the subject matter was discussed with the Examiner in the personal interview and deemed sufficient to clarify the claimed invention over the Kirckof patent. Accordingly, it is

believed that the independent claims, and the dependent claims which depend therefrom include all limitations thereof, are patentable and nonobvious over the Kirckof patent.

**Rejection of Claims 1, 2, 4 and 15-20 Over the Peterson Patent**

Independent claims 1, 15 and 19, which are the only independent claims subjected to this rejection, include limitations generally directed towards a method or feature for measuring a peak temperature during a washing cycle. The Peterson patent fails to disclose any such feature or suggest the use of any such feature. It is believed that the depth of this distinguishment over the Peterson patent is sufficient as the subject matter was discussed with the Examiner in the personal interview and deemed sufficient to clarify the claimed invention over the Peterson patent. Accordingly, it is believed that the independent claims, and the dependent claims which depend therefrom include all limitations thereof, are patentable and nonobvious over the Peterson patent.

**Rejection of Claims 8-14 Over the Kirckof Patent**

Dependent claims 8-14 depend from patentable independent claim 1, and therefore, are patentable for at least the same reasons that independent claim is patentable. Moreover, the Kirckof patent fails to provide any suggestion, motivation, or incentive for teaching the limitations of independent claim 1 as the Kirkof patent fails to teach the use of a thermometer strip to measure peak temperatures. As such, it is respectfully submitted that dependent claims 8-14 are patentable for at least the same reasons that the independent claim from which they depend are patentable.

**Conclusion**

In view of the foregoing, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. If the Examiner feels that further clarifications to the claims are required to pass this case to issue, the Examiner is invited to contact the undersigned to discuss such further amendments. The Examiner is also respectfully requested to particularly consider the limitations recited in the dependent claims and to further clarify the rejection thereof, as the Applicants respectfully submit that a number of these dependent claims are separately patentable over the independent claims from which they depend. In particular, further clarifications of the rejections to dependent claims 3, 5-7, and 16-18 is respectfully requested. The Examiner is respectfully requested to pass this case to issue.

Respectfully submitted,

**Mark D. Basile et al.**

By

  
John R. Buser

Reg. No. 51,517

Attorney/Agent for Applicant

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**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351